THE HONOURBALE SRI JUSTICE GODA RAGHURAM

WP NO.24915 OF 1998

Between:

M.Ramakrishna Rao son of Ramulu

....petitioner

Vs.

A.P. State Housing Corporation Ltd.,rep. By its Managing Director and another

…Respondents

THE HONOURBALE SRI JUSTICE GODA RAGHURAM

WP NO.24915 OF 1998

ORAL ORDER

The petitioner was appointed as a driver on NMR basis on 09-07-1989. He continued as such and apprehending disengagement/termination from service, he filed W.P.No.23927 of 1995 seeking regularization in service in terms of G.O.Ms.No.212 dated.22-04-1994. The said writ petition was disposed of by an order dated.21-04-1998 directing consideration of the petitioner's case but incorporating an observation that the petitioner would be entitled to consideration for regularization in terms of G.O.Ms.No.212.

By an order dated.31-07-1998 (impugned in this writ petition), pursuant to the directions in W.P.No.23927 of 1995 the petitioner's case for regularization in terms of G.O.Ms.No.212 was considered but rejected on the ground that he had not completed five years of service as on 24-11-1993, which was the date relevant under G.O.Ms.No.212. This writ petition is filed contending that as there was an observation in W.P.No.23927 of 1995 that the petitioner's case be considered for regularization as and when he completes five years of service as a casual employee, respondents could not have rejected his case for regularization solely on the language of the G.O.Ms.No.212 and in defiance of the judgment of this Court W.P.No.23927 of 1995.

It is contended by Sri Sreeramulu Reddy, the learned counsel on behalf of the respondents that against the judgment in W.P.No.23927

of 1995 respondents had preferred W.A.No.2081 of 1998, and by the judgment dated.14-12-1998 the said Writ Appeal was disposed of directing the respondents to consider the case of the petitioner in accordance with the judgment of the Supreme Court in ***District Collector/Chairman and Others Vs. M.L.Singh and other*** *[*1998(2) ALT 5(SC)] and also taking due note of the provisions of Act 27/1998. As this judgment is subsequent to the impugned order dated.31-07-1998 and as the direction of the learned single judge in W.P.No.23927 of 1995 declaring the petitioner's entitlement to consider under G.O.Ms.No.212 stood modified in terms of the judgment in Writ Appeal, no relief could be granted in this writ petition, is the contention canvassed on behalf of the respondents.

On a consideration of the facts and circumstances this Court is of the considered view that the writ petition must fail. As the judgment in W.P.No.23927 of 1995 was modified by the judgment in W.A.No.2081 of 1998 dated.14-12-1998 the petitioner cannot claim relief in terms of judgment of the learned single judge. The petitioner's case has been considered in terms of G.O.Ms.No.212 and since he does not comply with the eligibility criteria in G.O.Ms.No.212 he could not be considered for regularization of service and relief has been denied rightly under the order impugned. If the petitioner is entitled to relief of regularization not in terms of G.O.Ms.No.212 but in view of the judgment in W.A.No.2081 of 1998, he may pursue appropriate remedies.

It is stated by the learned counsel for the petitioner that the petitioner has also filed W.P.No.20993 of 1999 assailing the order of the respondent passed pursuant to the judgment in W.A.No.2081 of 1998 and that the said writ petition is pending.

In the above circumstances no relief could be granted in the writ

petition. The writ petition is accordingly dismissed. No order as to costs.

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GODA RAGHURAM,J

8th AUGUST 2007
***TSNR**